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EXAMINER

SAVLA, ARPAN P

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/734,659	Applicant(s) HILLIS ET AL.	
	Examiner Arpan P. Savla	Art Unit 2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/29/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office action is in response to Applicant's communication filed November 5, 2008 in response to the Office action dated March 25, 2008. Claims 1, 11, 14, and 17, have been amended. Claims 1-32 are pending in this application.

ACKNOWLEDGMENT OF REFERENCES CITED BY APPLICANT

Information Disclosure Statement

1. As required by MPEP § 609(c), Applicant's submission of the Information Disclosure Statement dated August 29, 2008 is acknowledged by the Examiner and some of the cited references have been considered in the examination of the claims now pending. As required by MPEP § 609 c(2), a copy of the PTOL-1449 initialed and dated by the Examiner is attached to the instant Office action.
2. Reference AA has not considered because the reference was previously cited by the Examiner in the PTO-892 dated November 3, 2006.

OBJECTIONS

Specification

3. The In view of Applicant's amendment, the objections to the abstract and specification are withdrawn.

Claims

4. **Claim 17** is objected to because the limitation “the schedule expressly identifying the content by one or more times” on lines 5-6 should instead read “the schedule expressly identifying the content by one or more **transmission** times”.
5. **Claims 27 and 30** are objected to because the limitations “one or more times” should instead read “one or more transmission times”.

REJECTIONS NOT BASED ON PRIOR ART

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 1-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

8. **As per claims 1-16**, the claims are directed towards a process. In order for process claims to be statutory, the claims must be (1) tied to a particular machine or apparatus or (2) transform a particular article to a different state or thing (this is called the “machine-transformation test”) See *In re Bilski*, 545 F.3d 943, 961-62 (Fed. Cir. 2008). However, claims 1-16 are neither tied to a particular machine or apparatus nor transform a particular article to a different state or thing. It should be noted that, based on pages 3 and 18-20 of Applicant’s specification, the “spatial data storage system” can be embodied as entirely software, per se. It should also be noted that merely

transmitting data is not sufficient to pass the test. Therefore, the process of claims 1-16 is directed to non-statutory subject matter.

9. **As per claims 17-32**, the claims are not limited to tangible embodiments. Based on pages 3 and 18-20 of Applicant's specification, the "system" can be embodied as entirely software, per se, thus lacking hardware necessary to realize the software's functionality. Therefore, the system of claims 17-32 simply represents functional descriptive material and is thus non-statutory subject matter.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3, 5-7, 10-13, 17-19, 21-23, and 26-29 are rejected under U.S.C.**

102(b) as being anticipated by Yao et al. (U.S. Patent 5,938,734).

3. **As per claim 1**, Yao discloses a method comprising:

determining an organization of at least one content of at least one spatial data storage system (col. 6, lines 59-64; Fig. 4, element S18); *It should be noted that the "disk device" is analogous to the "spatial data storage system."*

defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule

expressly identifying the content by one or more transmission times (col. 7, lines 21-60; Fig. 5, elements S21-S25). *It should be noted that “carries out the scheduling” is analogous to “defining a schedule.”*

and transmitting the content according to the schedule, wherein the content is addressable at the one or more transmission times (col. 7, lines 60-65; Fig. 5, element S26).

4. **As per claim 2**, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining one or more storage locations of at least one spatial address device associated with a video recording (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). *See the citation note for the first limitation in claim 1 above.*

5. **As per claim 3**, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining one or more storage locations of at least one spatial address device associated with at least one audio recording (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). *See the citation note for the first limitation in claim 1 above.*

6. **As per claim 5**, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining one or more storage locations of at least one spatial address device associated with at least a portion of at least one of computer processable and network processable data (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). *It should be noted that video and audio streams are all both computer processable data as well*

as network processable data. Also, see the citation note for the first limitation in claim 1 above.

7. **As per claim 6**, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining an organization of at least one content of at least one file address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

8. **As per claim 7**, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining an organization of at least one content of at least one disk address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

9. **As per claim 10**, Yao discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining an organization of at least one content of at least one object address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

10. **As per claim 11**, Yao discloses said defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule expressly identifying the content by one or more transmission times further comprises:

defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices (col. 7, lines 21-60; Fig. 5, elements S21-S25). *It should be that the "real time stream data" located on the disk*

device is analogous to “at least one content spatially resident upon one or more spatial address devices.”

11. **As per claim 12**, Yao discloses said defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices further comprises:

determining a first time interval during which a first segment of a first content will be read from a first spatial address device (col. 9, lines 33-43 and 58-64; Fig. 7); *It should be noted that “S0” is analogous to the “first segment of a first content” and “disk-0” is analogous to the “first spatial address device.”*

determining a second time interval during which a first segment of a second content will be read from a second spatial address device (col. 9, lines 33-43 and 58-64; Fig. 7); *It should be noted that “S1” is analogous to the “first segment of a second content” and “disk-4” is analogous to the “second spatial address device.”*

and defining the schedule in response to the first time interval and the second time interval (col. 9, lines 44-52).

12. **As per claim 13**, Yao discloses said defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices further comprises:

determining a first time interval during which a first segment of a first content will be read from a first spatial address device (col. 9, lines 33-43; Fig. 6); *It should be noted that “S0” is analogous to the “first segment of a first content” and “disk-0” is analogous to the “first spatial address device.”*

determining a second time interval during which a second segment of the first content will be read from a second spatial address device (col. 9, lines 33-43; Fig. 6); *It should be noted that "S1" is analogous to the "second segment of a first content" and "disk-1" is analogous to the "second spatial address device."*

and defining the schedule in response to the first time interval and the second time interval (col. 9, lines 44-52).

13. **As per claim 17**, Yao discloses a system comprising:

means for determining an organization of at least one content of at least one spatial data storage system (col. 6, lines 59-64; Fig. 4, element S18); *See the citation note for the similar limitation in claim 1 above.*

and means for defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule expressly identifying the content by one or more transmission times (col. 7, lines 21-60; Fig. 5, elements S21-S25). *See the citation note for the similar limitation in claim 1 above.*

means for transmitting the content according to the schedule, wherein the content is addressable at the one or more transmission times (col. 7, lines 60-65; Fig. 5, element S26).

14. **As per claim 18**, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining one or more storage locations of at least one spatial address device associated with a video recording (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). *See the citation note for the first limitation in claim 1 above.*

15. **As per claim 19**, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining one or more storage locations of at least one spatial address device associated with at least one audio recording (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). *See the citation note for the first limitation in claim 1 above.*

16. **As per claim 21**, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining one or more storage locations of at least one spatial address device associated with at least a portion of at least one of computer processable and network processable data (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18). *See the citation note for claim 5 above.*

17. **As per claim 22**, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining an organization of at least one content of at least one file address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

18. **As per claim 23**, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining an organization of at least one content of at least one disk address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

19. **As per claim 26**, Yao discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining an organization of at least one content of at least one object address storage system (col. 1, lines 13-19; col. 6, lines 59-64; Fig. 4, element S18).

20. **As per claim 27**, Yao discloses said means for defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule expressly identifying the content by one or more transmission times further comprises:

means for defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices (col. 7, lines 21-60; Fig. 5, elements S21-S25). *See the citation note for claim 11 above.*

21. **As per claim 28**, Yao discloses said means for defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices further comprises:

means for determining a first time interval during which a first segment of a first content will be read from a first spatial address device (col. 9, lines 33-43 and 58-64; Fig. 7); *See the citation note for the similar limitation in claim 12 above.*

means for determining a second time interval during which a first segment of a second content will be read from a second spatial address device (col. 9, lines 33-43 and 58-64; Fig. 7); *See the citation note for the similar limitation in claim 12 above.*

and means for defining the schedule in response to the first time interval and the second time interval (col. 9, lines 44-52).

22. **As per claim 29**, Yao discloses said means for defining the schedule in response to an order in which the at least one content is spatially resident upon one or more spatial address devices further comprises:

means for determining a first time interval during which a first segment of a first content will be read from a first spatial address device (col. 9, lines 33-43; Fig. 6); *See the citation note for the similar limitation in claim 13 above.*

means for determining a second time interval during which a second segment of the first content will be read from a second spatial address device (col. 9, lines 33-43; Fig. 6); *See the citation note for the similar limitation in claim 13 above.*

and means for defining the schedule in response to the first time interval and the second time interval (col. 9, lines 44-52).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 14-16 and 30-32 are rejected under 35 U.S.C. 103(a) as being obvious over Yao in view of Gallagher et al. (U.S. Patent 5,644,789).

25. **As per claim 14**, Yao discloses all the limitations of claim 14 except said defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule expressly identifying the content by one or more transmission times further comprises:

selecting a first content from a log of one or more data switch controller content requests.

Gallagher discloses said defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule expressly identifying the content by one or more transmission times further comprises:

selecting a first content from a log of one or more data switch controller content requests (col. 3, lines 61-63; col. 6, lines 34-44; Fig. 2, element 323; Fig. 5). *It should be noted that the “queue” is analogous to the “log.”*

Yao and Gallagher are analogous art because they are from the same field of endeavor, that being multimedia playback systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Gallagher's execution queue within Yao's real time stream server.

The motivation for doing so would have been to provide more efficient utilization of disk storage devices (Gallagher, col. 2, lines 60-61).

26. **As per claim 15**, the combination of Yao/Gallagher discloses said selecting a first content from a log of one or more data switch controller content requests further comprises:

generating a prospective request for content from a data switch controller
(Gallagher, col. 3, lines 58-63);

and logging the prospectively generated request for content from the data switch controller (Gallagher, col. 4, lines 1-9; Fig. 2, element 323). *It should be noted that "placement in the execution queue" is analogous to "logging."*

27. **As per claim 16**, the combination of Yao/Gallagher discloses said generating a prospective request for content from a data switch controller further comprises:

consulting at least one historical request for content from at least one data switch controller (Gallagher, col. 5, lines 62-64; Fig. 5). *It should be noted that "request 2" is consulted in order to execute "function 2."*

28. **As per claim 30**, Yao discloses all the limitations of claim 30 except said means for defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule expressly identifying the content by one or more transmission times further comprises:

means for selecting a first content from a log of one or more data switch controller content requests.

Gallagher discloses said means for defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial

data storage system, the schedule expressly identifying the content by one or more transmission times further comprises:

means for selecting a first content from a log of one or more data switch controller content requests (col. 3, lines 61-63; col. 6, lines 34-44; Fig. 2, element 323; Fig. 5). *See the citation note for claim 14 above.*

Yao and Gallagher are analogous art because they are from the same field of endeavor, that being multimedia playback systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Gallagher's execution queue within Yao's real time stream server.

The motivation for doing so would have been to provide more efficient utilization of disk storage devices (Gallagher, col. 2, lines 60-61).

29. **As per claim 31**, the combination of Yao/Gallagher discloses said means for selecting a first content from a log of one or more data switch controller content requests further comprises:

means for generating a prospective request for content from a data switch controller (Gallagher, col. 3, lines 58-63);

and means for logging the prospectively generated request for content from the data switch controller (Gallagher, col. 4, lines 1-9; Fig. 2, element 323). *See the citation note for the similar limitation in claim 15 above.*

30. **As per claim 32**, the combination of Yao/Gallagher discloses said means for generating a prospective request for content from a data switch controller further comprises:

means for consulting at least one historical request for content from at least one data switch controller (Gallagher, col. 5, lines 62-64; Fig. 5). *See the citation note for claim 16 above.*

31. **Claims 4, 8-9, 20, and 24-25** are rejected under 35 U.S.C. 103(a) as being obvious over Yao in view of Jaeger (U.S. Patent 6,345,028).

32. **As per claim 4**, Yao discloses all the limitations of claim 4 except said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining one or more storage locations of at least one spatial address device associated with at least one audio-visual recording.

Jaeger discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining one or more storage locations of at least one spatial address device associated with at least one audio-visual recording (col. 6, lines 49-58; col. 8, lines 36-46; Fig. 5). *It should be noted that "audio and video tracks" are analogous to "at least one audio-visual recording."*

Yao and Jaeger are analogous art because they are from the same field of endeavor, that being multimedia playback systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Jaeger's time stamp locations of the composite data frames within Yao's real time stream server.

The motivation for doing so would have been to maximize the number of audio or video tracks that can be played back from a disk drive (Jaeger, col. 1, lines 14-16).

33. **As per claim 8**, the combination of Yao/Jaeger discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining an organization of at least one content of at least one tape address storage system (Jaeger, col. 5, lines 12-20; col. 6, lines 49-58).

34. **As per claim 9**, the combination of Yao/Jaeger discloses said determining an organization of at least one content of at least one spatial data storage system further comprises:

determining an organization of at least one content of at least one substantially static memory address storage system (Jaeger, col. 5, lines 12-20; col. 6, lines 49-58).

35. **As per claim 20**, Yao discloses all the limitations of claim 20 except said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining one or more storage locations of at least one spatial address device associated with at least one audio-visual recording.

Jaeger discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining one or more storage locations of at least one spatial address device associated with at least one audio-visual recording (col. 6, lines 49-58; col. 8, lines 36-46; Fig. 5). *See the citation note for claim 4 above.*

Yao and Jaeger are analogous art because they are from the same field of endeavor, that being multimedia playback systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Jaeger's time stamp locations of the composite data frames within Yao's real time stream server.

The motivation for doing so would have been to maximize the number of audio or video tracks that can be played back from a disk drive (Jaeger, col. 1, lines 14-16).

36. **As per claim 24**, the combination of Yao/Jaeger discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining an organization of at least one content of at least one tape address storage system (Jaeger, col. 5, lines 12-20; col. 6, lines 49-58).

37. **As per claim 25**, the combination of Yao/Jaeger discloses said means for determining an organization of at least one content of at least one spatial data storage system further comprises:

means for determining an organization of at least one content of at least one substantially static memory address storage system (Jaeger, col. 5, lines 12-20; col. 6, lines 49-58).

Response to Arguments

38. Applicant's arguments filed November 5, 2008 with respect to **claims 1-32** have been fully considered but they are not persuasive.

39. With respect to Applicant's argument in section III(B)(1)(a)(1) of the communication filed November 5, 2008, the Examiner respectfully disagrees. As an initial matter, the Examiner submits that Yao's "unit streams S0 to Sm-1" are analogous to Applicant's "content." Keeping that in mind, when taking the broadest reasonable interpretation of the limitation "defining a schedule of content transmission", it becomes evident that the multiple steps involved in Yao's process of carrying out the scheduling of transfer starting times for the unit streams S0 to Sm-1 (see col. 7, lines 33-60 and Fig. 5) discloses the limitation of "defining a schedule of content transmission", as simply and broadly claimed by Applicant.

Furthermore, the Examiner submits that Yao's "transfer start timings" are analogous to Applicant's "one or more transmission times." Thus, it follows that Yao's schedule, which includes transfer start timings for the unit streams S0 to Sm-1, discloses Applicant's "schedule expressly identifying the content by one or more times."

Additionally, it appears that Applicant is concerned by the fact that the top block of the disk device is read before the transfer start timing. However, the reading of the top block from the disk device is of no consequence because this reading action is not in fact part of actual transmission of the unit streams to the client. It is the actual transmission of the of unit streams S0 to Sm-1 to client 7 (which is described col. 7, lines 60-65 and Fig. 5, element S26 of Yao) that is dependent on the schedule.

Accordingly, as can be seen from the foregoing, Yao sufficiently discloses defining a schedule of content transmission in response to the organization of the at least one content of the at least one spatial data storage system, the schedule expressly identifying the content by one or more transmission times.

40. With respect to Applicant's argument in section III(B)(1)(a)(2) of the communication filed November 5, 2008, the Examiner respectfully disagrees. As cited in the rejection above, col. 7, lines 60-65 and Fig. 5, element S26 of Yao disclose each of the unit streams is transmitted to the client according to the schedule. Accordingly, Yao sufficiently discloses transmitting the content according to the schedule, wherein the content is addressable at the one or more transmission times.

41. With respect to Applicant's argument in section III(B)(2) regarding dependent claims 2-16, the Examiner respectfully disagrees. The argument relies on the allegation that independent claim 1 is allowable and therefore for the same reasons dependent claims 2-16 are allowable. However, as addressed above, independent claim 1 is not allowable, thus, Applicant's argument with respect to dependent claims 2-16 is not persuasive.

42. With respect to Applicant's argument in section III(C)(1)(a)(1), the Examiner respectfully disagrees for the same reasons as detailed above in section 39 of the current Office action.

43. With respect to Applicant's argument in section III(C)(1)(a)(2), the Examiner respectfully disagrees for the same reasons as detailed above in section 40 of the current Office action.

44. With respect to Applicant's argument in section III(C)(2), the Examiner respectfully disagrees for the same reasons as detailed above in section 41 of the current Office action.

45. With respect to Applicant's argument in section III(D) regarding dependent claims 14-16, the Examiner respectfully disagrees. The argument relies on the allegation that independent claim 1 is allowable and therefore for the same reasons dependent claims 14-16 are allowable. However, as addressed above, independent claim 1 is not allowable, thus, Applicant's argument with respect to dependent claims 14-16 is not persuasive.

46. With respect to Applicant's argument in section III(E) regarding dependent claims 30-32, the Examiner respectfully disagrees. The argument relies on the allegation that independent claim 17 is allowable and therefore for the same reasons dependent claims 30-32 are allowable. However, as addressed above, independent claim 17 is not allowable, thus, Applicant's argument with respect to dependent claims 30-32 is not persuasive.

47. With respect to Applicant's argument in section III(F) regarding dependent claims 4 and 8-9, the Examiner respectfully disagrees. The argument relies on the allegation that independent claim 1 is allowable and therefore for the same reasons dependent claims 4 and 8-9 are allowable. However, as addressed above, independent claim 1 is not allowable, thus, Applicant's argument with respect to dependent claims 4 and 8-9 is not persuasive.

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48. With respect to Applicant's argument in section III(E) regarding dependent claims 20 and 24-25, the Examiner respectfully disagrees. The argument relies on the allegation that independent claim 17 is allowable and therefore for the same reasons dependent claims 20 and 24-25 are allowable. However, as addressed above, independent claim 17 is not allowable, thus, Applicant's argument with respect to dependent claims 20 and 24-25 is not persuasive.

49. With respect to Applicant's argument in section IV regarding the 101 rejection of claims 1-32, the Examiner respectfully disagrees and directs Applicant above to the detailed 101 rejection of claims 1-32.

Conclusion

STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the application as recommended by MPEP 707.70(i):

CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, **claims 1-32** have received an action on the merits and are subject of a final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arpan P. Savla whose telephone number is (571) 272-1077. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571) 272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arpan Savla/
Examiner, Art Unit 2185
February 2, 2008

/Sanjiv Shah/
Supervisory Patent Examiner, Art
Unit 2185